

FRANK R. LAUTENBERG

NEW JERSEY

COMMITTEES

APPROPRIATIONS

COMMERCE, SCIENCE, AND
TRANSPORTATION

ENVIRONMENT AND
PUBLIC WORKS

United States Senate

WASHINGTON, DC 20510

June 8, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Genachowski:

As we discussed in our meeting today, I would like the Federal Communications Commission (FCC) to examine a transaction announced this week between the state of New Jersey and WNET regarding the future of the New Jersey Network (NJN) to determine whether or not the arrangement is consistent with the public interest and with FCC rules governing broadcast licenses. FCC review will be critical in determining whether a transfer of NJN to WNET will in fact serve the best interests of New Jerseyans.

As you know, New Jersey does not have its own broadcast media market and instead it must share two out-of-state designated market areas – New York City and Philadelphia. As a consequence, New Jerseyans are routinely subjected to news and local programming not focused on our communities, but rather areas outside of our state. This results in New Jerseyans lacking access to the range of broadcast television local news enjoyed by other Americans.

One of the few exceptions has always been the news and public affairs programming provided by New Jersey Network – our state's public television network. In particular, the NJN nightly news program airs five nights a week with high quality, original reporting on events across New Jersey.

This week, the state of New Jersey announced an agreement that will give control of NJN to WNET, the entity that currently controls two public broadcasting stations in New York (THIRTEEN and WLIW21). This deal will end the current NJN nightly news program and replace it with a program called "New Jersey Today." In addition, this deal will take other high quality New Jersey-focused news shows off the air. It is difficult to see how the loss of such programming is in the public interest of New Jerseyans – especially considering the state's lack of commercial broadcast television news access.

The proposal would also hand over NJN to WNET with not only no monetary investment by WNET, but also with a large subsidy for WNET by the State of New Jersey. This contrasts with the willingness of parties actually in New Jersey who have applied to take over NJN operations – such as Montclair State University, which demanded no money from the state and agreed to invest \$7 million dollars to maintain a

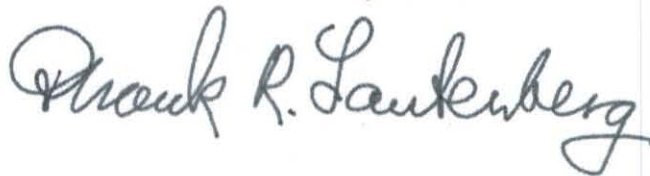
0732
MB
License

continuous nightly news program and uphold NJN's historical commitment to other quality news programming.

Also complicating this matter is WNET's own history with New Jersey. While THIRTEEN's community of license is Newark, New Jersey, it has long ignored that commitment and located its main studio in New York City since 1961. Although WNET was required for a period of time to also maintain a studio in New Jersey, it sought a waiver of that obligation in 1996 that was granted by the FCC on the basis that it maintain its commitment to providing programming responsive to the people of New Jersey. Today, however, THIRTEEN's programming has a national focus, and the New Jersey focused programming it does have is limited. For example, it simply rebroadcasts NJN's nightly news and offers a handful of New Jersey public affairs shows that are also broadcast on NJN.

Given WNET's track record and the critical nature of NJN's New Jersey focused programming to the people of New Jersey, I believe that the FCC needs to closely examine this transaction.

Sincerely,

A handwritten signature in dark ink, reading "Frank R. Lautenberg". The signature is written in a cursive, flowing style with a large initial "F" and a long, sweeping underline.



FEDERAL COMMUNICATIONS COMMISSION

August 19, 2011

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Frank R. Lautenberg
United States Senate
324 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Lautenberg:

Thank you for your letter regarding the proposed programming and services agreement between the New Jersey Public Broadcasting Authority (NJBA) and Public Media NJ, Inc. (PMNJ), a non-profit entity established by WNET-DT. While the agreement does not propose to assign the broadcast television licenses from NJBA to WNET, which would require formal review by the Commission, I appreciate this opportunity to address your concerns regarding a potential reduction in New Jersey focused programming on the New Jersey Network (NJN).

Shortly after the state enacted the New Jersey Public Broadcasting System Transfer Act in December 2010, staff of the Commission's Media Bureau met with representatives from the state and its counsel to review potential issues related to the Transfer Act and any intersection with the Communications Act and Commission policies. The Transfer Act established NJN as an independent entity that no longer would receive financial support for its programming from the state of New Jersey.

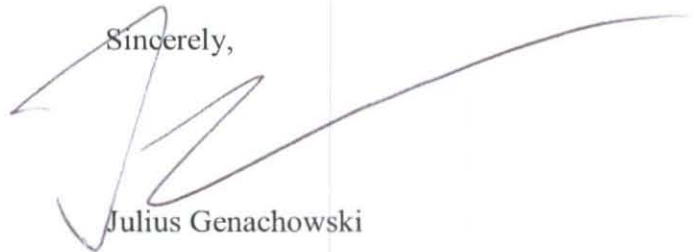
Staff review of the Transfer Act has continued. According to information provided in recent meetings with representatives of the state of New Jersey and WNET, NJBA will retain control over the operation of the stations. Under the programming agreement, PMNJ will provide 20-25 hours per week of New Jersey-related programming for NJN effective July 1, 2011. This programming will include a weekday nightly news and public affairs program, live coverage of the State of the State Address and the annual Budget Message. They also will provide live coverage of New Jersey elections.

NJBA and PMNJ have told staff they will file the programming and services agreement with the Commission. Those documents will be made available to the public, and will be reviewed by the staff. The staff's review will include any comments submitted by the public, including your letter. The staff's informal review will ensure agreement is consistent with Commission rules.

Page 2—The Honorable Frank R. Lautenberg

I appreciate your interest in this important matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, consisting of a large, stylized 'J' followed by a long, sweeping horizontal line that extends to the right.

Julius Genachowski